



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

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DIVISION OF STATE COUNSEL
LITIGATION BUREAU

Writer's Direct Dial: (212) 416-6359

July 21, 2022

By ECF
The Honorable Cathy Seibel
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: Melvin L. Virgil v. Aaron Finn et al., 22-CV-3169 (CS)

Dear Judge Seibel:

This letter is being submitted to respectfully request an extension for Defendants Aaron Finn, Alexander Costantini, and Philip Langdon ("Defendants") to respond to Plaintiff's Complaint (ECF Doc. No. 1). Pursuant to N.Y. Pub. Off. Law § 17(2)(c), it is respectfully requested that the time for Defendants to respond to the Complaint be extended from **July 28, 2022** to a date to be determined by the Court at the next scheduled conference on **September 6, 2022**. The grounds for this request are that this Office has just completed its representational analysis and concluded that it will not be representing any of the named Defendants. Defendants were advised of this Office's determination earlier today. Accordingly, additional time is needed to allow Defendants to obtain counsel, and for their new counsel to review the case and prepare responses to the Complaint.

This is the third request for an extension of the Defendants' time to respond to Plaintiff's Complaint, and the Court previously granted both prior requests to permit this Office to conclude its representation analysis (see ECF Doc. Nos. 17, 21). The United States Department of Justice has consented to this extension request. Plaintiff's consent was requested but counsel for Plaintiff has agreed only to a week adjournment. Nonetheless, for the reasons stated above, and because the requested extension does not impact any other deadlines in this case or unduly prejudice Plaintiff in light of the pending stay application by the United States Department of Justice (see ECF Doc. No. 32), it is respectfully requested that Defendants' time to respond to the Complaint to a date to be determined by the Court at the September 6, 2022 conference.

I thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Andrew Blancato
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cc: (via mail and ECF)

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DECLARATION OF SERVICE

Andrew Blancato, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

I am over 18 years of age and not a party to this action. On July 21, 2022, I caused to be served the annexed Letter-Motion, upon:

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Attorney for Plaintiff, by mailing a true copy and correct copy thereof, enclosed and properly sealed in a postpaid envelope, under the exclusive care and custody of the United States Postal Services within the State of New York addressed to the above-noted address designated by plaintiff for that purpose.

S/ Andrew Blancato
Andrew Blancato
Assistant Attorney General